

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chairman Bill Wilson, on February 13, 2009 at 8:08 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Wilson, Chairman (D)
Rep. Bill Beck, Vice Chairman (R)
Rep. Michele Reinhart, Vice Chairwoman (D)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Paul Beck (D)
Rep. Tom Berry (R)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: None

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 408, 2/5/2009; HB 452, 2/5/2009;
HB 507, 2/5/2009

Executive Action: HB 385, HB 396

EXECUTIVE ACTION ON HB 385

00:05:41 **Motion:** Rep. Furey moved that **HB 385 DO PASS.**

Discussion:

00:06:03 Rep. Milburn
00:06:32 Rep. Berry exited the room.
00:06:47 Rep. Furey

00:07:24 **Vote:** Motion failed 5-13 by roll call vote with Rep. Augare, Rep. Boland, Rep. Furey, Rep. Noonan, and Rep. Wilson voted aye. Rep. Berry voted by proxy.

00:08:37 **Motion/Vote:** Rep. Milburn moved that **HB 385 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Berry voted by proxy.

Discussion:

00:08:48 Rep. Augare
00:09:00 **Vote:** Motion carried unanimously by voice vote. Rep. Berry voted by proxy.
00:09:35 Chairman Wilson calls a recess.
00:23:52 Chairman Wilson resumes meeting.

HEARING ON HB 408

Opening Statement by Sponsor:

00:24:11 Rep. JP Pomnichowski (D), HD 63, opened the hearing on HB 408, Presumption of covered diseases for safety officers under work comp.

[EXHIBIT \(buh34a01\)](#)

Proponents' Testimony:

00:35:48 Doug Neil, Montana State Firemen's Association
[EXHIBIT \(buh34a02\)](#)

00:38:28 Joseph Sands, Montana State Firemen's Association
00:43:09 Chass Perkins, Montana State Firemen's Association
00:45:16 Matt Norby, Montana State Firemen's Association
00:47:12 Chad Nicholson, Firefighter, Missoula, Montana
00:48:40 Don Judge, Montana Injured Worker's Resource Council
00:51:15 Robert Johnson, Montana AFL-CIO
01:09:34 Tony Kane, Firefighter, Missoula, Montana

Opponents' Testimony:

00:52:00 Alan Hulse, CEO, Montana Municipal Insurance Authority
00:55:20 Kevin Bruan, Montana State Fund

EXHIBIT (buh34a03)

01:02:05 Bob Worthington, Montana Self Insurers Association
01:05:19 Mike Sehestedt, Montana Association of Counties
01:08:16 Jacqueline Lenmark, American Insurance Association
01:10:37 Jon Bennion, Montana Chamber of Commerce

Informational Testimony:

01:11:07 Jerry Keck, Administrator, Employment Relations
Division, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:11:40 Rep. Pomnichowski

01:16:22 Chairman Wilson calls recess.
01:38:21 Chairman Wilson resumes hearing.

HEARING ON HB 452

Opening Statement by Sponsor:

01:39:13 Rep. Pat Noonan (D), HD 73, opened the hearing on
HB 452, Limit health care information subject to work
comp disclosure.

Proponents' Testimony:

01:41:45 Dick Martin, Attorney, Great Falls, Montana
EXHIBIT (buh34a04)
01:47:45 Charla Tadlock, Attorney, Great Falls, Montana
EXHIBIT (buh34a05)
01:51:34 Don Judge, Montana Injured Worker's Resource Council
01:55:14 Robert Johnson, Montana AFL-CIO
01:55:49 Andrea Olsen, Montana Trial Lawyers Association

Opponents' Testimony:

01:59:11 Nancy Butler, Montana State Fund
02:01:22 Larry Jones, Liberty Northwest
02:04:13 Mike Sehestedt, Montana Association of Counties
02:05:51 Bob Worthington, Montana Self Insurers Association
02:07:25 Jacqueline Lenmark, American Insurance Association
02:08:20 Bruce Spencer, Property Casualty Insurance Association
of America
02:09:59 Jon Bennion, Montana Chamber of Commerce
02:10:37 Tim Fitzpatrick, Claims Manager, Montana School Board
Association
02:11:16 Alan Hulse, CEO, Montana Municipal Insurance Authority

Informational Testimony:

02:11:43 Jerry Keck, Administrator, Employment Relations
Division (DLI)

Questions from Committee Members and Responses:

02:12:05 Rep. B. Beck
02:13:00 Mr. Worthington
02:14:05 Rep. B. Beck
02:14:20 Mr. Martin
02:15:17 Rep. Hunter
02:15:44 Mr. Keck
02:15:58 Rep. Hunter
02:16:02 Mr. Keck

Closing by Sponsor:

02:16:25 Rep. Noonan

HEARING ON HB 507

Opening Statement by Sponsor:

02:18:43 Rep. Michele Reinhart (D), HD 97, opened the hearing on
HB 507, Require market conduct & financial exams by
ins. commissioner of state fund.

Proponents' Testimony:

02:24:09 Sen. Ron Erickson, SD 47
02:26:17 Larry Jones, Liberty Northwest
02:27:18 Jacqueline Lenmark, American Insurance Association

02:29:09 Bruce Spencer, Property Casualty Insurance Association
of America
02:29:33 Sen. Erickson

Opponents' Testimony:

02:30:12 Nancy Butler, Montana State Fund
02:40:04 Spook Stang, Executive Director, Montana Motor Carriers
Association

EXHIBIT (buh34a06)

Informational Testimony:

02:41:12 Jessica Rhoades, Montana State Auditor's Office

Questions from Committee Members and Responses:

02:42:06 Rep. Furey
02:42:42 Ms. Butler
02:43:37 Rep. Furey
02:43:58 Ms. Butler
02:44:23 Rep. Furey
02:44:29 Ms. Butler
02:44:59 Rep. Hunter
02:45:44 Ms. Butler
02:46:27 Rep. Hunter
02:46:41 Ms. Butler
02:47:09 Rep. Hunter
02:47:44 Ms. Lenmark

Closing by Sponsor:

02:48:36 Rep. Reinhart
EXHIBIT (buh34a07)

02:51:05 Vice Chairman Beck calls for a recess.
03:06:52 Vice Chairwoman Reinhart resumes hearing.

EXECUTIVE ACTION ON HB 396

03:07:18 **Motion:** Rep. Wilson moved that **HB 396 DO PASS.**
EXHIBIT (buh34a08)

03:12:03 **Motion:** Rep. Wilson moved that **HB 396 BE AMENDED.**

Discussion:

03:12:21 Rep. Milburn
03:12:36 Rep. Wilson

03:12:58 Rep. Milburn
03:14:41 Rep. Welborn
03:14:49 Rep. Wilson
03:15:37 Vice Chairwoman Reinhart
03:15:55 Mark Staples, Consumer Lending Alliance
03:17:11 Aidan Myhre, Montana Community Foundation
03:18:44 Bernie Harrington, Montana Financial Services
Association
03:20:01 Christopher Peterson, Law Professor, University of Utah
03:22:49 Rep. Hunter
03:23:24 Rep. Wilson

03:24:16 **Vote:** Motion failed 9-9 by roll call vote with Rep.
Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep.
Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and
Rep. Wilson voting aye. Rep. Berry voted by proxy.

Discussion:

03:25:33 Rep. Milburn
03:27:15 Rep. Augare
03:28:13 Rep. Milburn exited the room.
03:30:30 Rep. Wilson

03:31:26 **Vote:** Motion failed 9-9 by roll call vote. Motion
failed 9-9 by roll call vote with Rep. Augare, Rep.
Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep.
Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson
voting aye. Rep. Berry and Rep. Milburn voted by proxy.

ADJOURNMENT

03:32:37 Adjournment: 11:41 A.M.

Santella Baglivo, Secretary

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Additional Exhibits

EXHIBIT (buh34a09) Signatures for opposition to HB 396

Additional Documents:

EXHIBIT ([buh34aad.pdf](#))